

Jan 12, 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

1 COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

2 Name: Browning Elrader Roy

(Last)

(First)

(Middle Initial)

3 Prisoner Number: T352944 Institutional Address: Kern Valley State PrisonP.O. Box 5187 Delano CA 93216

5 UNITED STATES DISTRICT COURT

6 DISTRICT OF CALIFORNIA

7 Elrader Browning

(Enter your full name.)

8 vs.

9 J.M. Burkhardt % M. Liddell10 C/o K. Xiong % G. Collinsworth11 C/o J. H. W. Sander % R. Sharp

(Enter the full name(s) of the defendant(s) in this action.)

12 1:21-cv-00041-HBK(PC)

13 Case No.

(Provided by the clerk upon filing)

14 COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C. § 1983

15 I. Exhaustion of Administrative Remedies.

16 Note: You must exhaust available administrative remedies before your claim can go
17 forward. The court will dismiss any unexhausted claims.18 A. Place of present confinement Kern Valley State Prison, Delano CA19 B. Is there a grievance procedure in this institution? YES NO 20 C. If so, did you present the facts in your complaint for review through the grievance
21 procedure? YES NO 22 D. If your answer is YES, list the appeal number and the date and result of the appeal at each
23 level of review. If you did not pursue any available level of appeal, explain why.24 1. Informal appeal: By Pass at first level and Granted in part
25 on 2/14/20 at the Second level, and I was accepted
26 and Denied at Third level Response in Dec/11/2020

1 2. First formal level: By Pass

2 LOG NO: SAC-20-00106

3 4. Second formal level: Granted in Part 2-14-2020

4 LOG NO! SAC-20-00106

5 6. Third formal level: Denied due to second level that
7 the departmental policy was properly addressed and
8 the Inquiry was Confidential LOG NO! SAC 2000106

9 10. E. Is the last level to which you appealed the highest level of appeal available to you?

11 YES NO

12 F. If you did not present your claim for review through the grievance procedure, explain why.

13
14
15
16 II. Parties.

17 A. Write your name and present address. Do the same for additional plaintiffs, if any.

18 Elrader Browning T35294

19 Kern Valley State Prison ASU #147

20 P.O. Box X5107 Delano CA 93216

21 B. For each defendant, provide full name, official position and place of employment.

22 % M. Burkhardt % G. Collins Worth (Sergeant)

23 % M. Liddell % K. Xiong

24 % J. Hulstander % R. Sharp

1 III. Statement of Claim.

2 State briefly the facts of your case. Be sure to describe how each defendant is involved
3 and to include dates, when possible. Do not give any legal arguments or cite any cases or
statutes. If you have more than one claim, each claim should be set forth in a separate
numbered paragraph.

CONTINUE ON SEPARATE PAGE

4 On January 1st 2020 I was taken out of my cell for yard while at
5 New Folsom/Sacramento State Prison and Brutally Beating By
6 Correctional officer M. Burkhardt & G. Collinsworth
7 & M. Liddell & K. Xiong & J. Hulander
8 & R. Sharp FOR Retaliation on a Incident at KVSP
9 where I was place IN Ad-Seg for attempt murder of a
10 Correctional officers the Guards group together on the tier
11 and when I came out of my cell of Burkhardt slam me on to the
12 ground where the Other Prison officials Begin to punch and kick
13 me while I was hand cuff Behind my Back leaving me with
14 serious Bruises, Swelling to my face and eye, most all of
15 their force use that day ~~Violent~~ was meant to cause me harm

16 IV. Relief.

17 Your complaint must include a request for specific relief. State briefly exactly what you
want the court to do for you. Do not make legal arguments and do not cite any cases or
statutes.

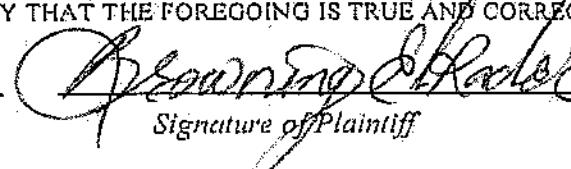
18 ~~\$150,000.00~~ for each defendant
19 action's they was NOT TRYING TO ACT IN GOOD FAITH
20 EFFORT TO RESTORE DISCIPLINE BUT WITH MALICIOUSLY AND
21 SADISTICALLY CAUSE HARM FOR AN INCIDENT THAT HAPPENED
22 AT KERN VALLEY STATE PRISON ON 12/21/2019 ~~\$300,000.00~~
23 FOR PUNITIVE DAMAGES / ~~+~~

24 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

25 Executed on:

1-5-2021

Date


Signature of Plaintiff

III. Statement of Claim Page 1 of 1

The state of mind of these group of prison officials was unnecessary and wanton Infliction of pain I was also place inside of a cell that deprive me Sanitation and hygiene my cell was personally Made By New-folsom with prisoners they felt was someone that needed TO BE Strip of all BASIC HUMAN NEEDS I live in this cell for some where around 10 days in a standard that was very Unconstitutional there was NO Running HOT water OR lights or power The Restrictive cell was so harsh that Sacramento Head Quarters ask for them to close Down this cell 2 weeks Before they move me IN side of this cell ISS I ask several Times to please Be move to another cell Because of the harsh living conditions and the officials that I am living continue to act with deliberate Indifference they knew and still fail to respond Reasonably so for around 10 days I live in a cell with Bad air Quality & Temperature with no clothing or bedding NO hot running water or sanitary toilet so on top of the Eight amendment cruel & unusual punishment they Put on me during my stay at Sacramento State Prison I was also deny serious medical attention that is guaranteed to all Prisoner, my needs was so obvious that even a lay person would have easily Recognize the necessity for a doctor's attention.

E. Rader Brown Me
A - S - 2021